

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

HENRY TUCKER, on behalf of himself all	)	
other persons similarly situated,	)	
	)	Case No. 1:18-cv-10619-DAB
Plaintiff,	)	
	)	
v.	)	<b>DECLARATION IN RESPONSE</b>
	)	<b>TO THE COURT'S ORDER</b>
HIGHGATE HOTELS, L.P. dba THE	)	<b>DATED APRIL 2, 2019</b>
WAGNER HOTEL,	)	
	)	
Defendant.	)	
_____	)	

**DECLARATION**

I, Martin H. Orlick, Esq., declare under penalty of perjury that the following facts are true and correct to my knowledge:

I represent the Defendant in the above entitled action. It is anticipated that the proposed Settlement Agreement and Stipulation of Dismissal will be with prejudice only as to the claims of the individual Plaintiff, Henry Tucker, and without prejudice as to the putative class and would not diminish the rights of the putative class to bring future Americans with Disabilities Act actions. Additionally, it is anticipated that the putative class will benefit by the Settlement Agreement because it will require the Defendant to increase compliance with the requirements of the Americans with Disabilities Act with respect to the accessibility of Defendant's website for blind and vision-impaired persons. Defendant has and will continue to make considerable efforts to improve the accessibility of its website and ensure the usability by individuals with disabilities.

Executed on April 5, 2019

Dated: April 5, 2019  
New York, New York

Respectfully submitted,

JEFFER MANGELS BUTLER & MITCHELL LLP

By: /s/ Martin H. Orlick  
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